

## FREQUENTLY ASKED QUESTIONS

### ***What is Juvenile Court?***

In Nebraska, Douglas, Sarpy and Lancaster Counties have separate Juvenile Courts; the remaining counties hold juvenile cases in County Court.

### ***What is a petition?***

A County Attorney representative files a petition (legal paper) outlining why you are being brought to court.

### ***How will I know when to go to court?***

You will receive a summons or letter giving the date, time, and location. The number of times you attend depends on individual circumstances. Inform the Court and Probation Officer of address or telephone changes.

### ***What if I miss a hearing?***

The Judge could order you to be picked up by law enforcement and brought before the Court to explain why you ignored the Court's notice.

### ***What if Court rules are not followed?***

A motion to review/revoke your probation may be filed by a County Attorney representative, asking the Court to place more severe requirements on your probation or place you in an institution or state juvenile correctional facility.

### ***Can my record be sealed (kept confidential)?***

You may ask the Court to consider sealing your records. This sets aside the adjudication and the record cannot be opened without Court approval and good cause. However, this is a privilege and the Judge will seal your record only if you have successfully completed your Court-ordered rehabilitation program. (It will NOT seal or expunge law enforcement records.)

### ***What if I waive the right to an attorney?***

You would be representing yourself without an understanding or knowledge of legal options (i.e., request dismiss charges, call witnesses, request services, release from detention). Remember, you can request an attorney to represent you at any point in the process.

## DETENTION

Confinement in a locked facility for a short time until your case is tried or a more suitable placement is found.

### STAFF-INTENSIVE PLACEMENT

Unlocked staff-intensive placement for a short time until your case is tried or a more suitable placement is found.



***You may be placed at a detention or staff-security facility if you...***

***...fail to follow court orders.*** ▶▶ any violation, including Court orders to obey parents' rules and curfew, attend school, and complete a predisposition investigation and community based evaluation (cooperate and attend scheduled appointments).

***...are a runner.*** ▶▶ if you have a history of running from home or you run from your Court-ordered placement, such as a foster or group home.

***...are a danger to yourself or others.*** ▶▶ if you exhibit violent, aggressive, gang-related or even sexually promiscuous behavior placing you at risk.

***...are asked to leave your out-of-home placement.*** ▶▶ if you are not following rules of your Court-ordered placement and are asked to leave, you may be detained.

**THINK  
BEFORE  
YOU  
ACT!**

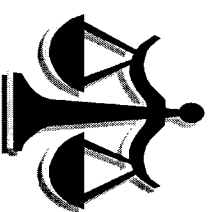
Involvement with the Juvenile Court is serious. There are consequences for not following Court orders and they can be severe.

# A Guide to Juvenile Court for Parents & Children\*

From the  
Disproportionate Minority Confinement Committee,  
Nebraska Coalition for Juvenile Justice  
of the

## NEBRASKA CRIME COMMISSION

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### **\*Maximum Age:**

A person under age 18 when the alleged offense occurred; however, the Court may retain jurisdiction until age 19.

## REASONS FOR BEING IN COURT

**Delinquent**—Charged with breaking a law of a State or City Ordinance.

**Status Offender**—Charged with being beyond control of his/her parent(s), not going to school, keeping a curfew, running away from home and/or not obeying parent rules, using alcohol or tobacco under age.

## WHAT THE COURT MAY DO

**Delinquent**—May be placed on probation under the supervision of a Probation Officer at home or in a group home or other restricted program. The Court may alternatively place a delinquent in the custody of the State Office of Juvenile Services (OJS) where he/she may be supervised at home, in another placement in the community (such as foster care, group home, or residential treatment), or at the Youth Rehabilitation Treatment Center (YRTC) in Geneva or Kearney.

**Status Offender**—Special supervision may be required. Offender may be placed at home on Probation or made a State Ward through the Department of Health and Human Services for out-of-home placement or services in the home.

## PERSONS IN THE COURTROOM

Judge	County Attorney
Court Reporter	Probation Officer
You	Your Attorney
Parent or Guardian	Witnesses and Visitors

## YOUR RIGHTS

**You have a right to:**

- know what has been filed against you;
- an attorney (A Public Defender may be provided at no cost);
- face and cross-examine witnesses;
- present evidence in your own defense;
- testify if you wish; however, you do not have to testify;
- be advised by the Judge as to what the Court can do with you; and
- appeal the Court's decision to the Nebraska Court of Appeals or Nebraska Supreme Court.

## GOOD ADVICE

### For Courtroom Behavior

# COOL

- 😊 Dress neatly and cleanly, as you would for an important meeting.
- 😊 Be 15 minutes early, so you are ready to attend the hearing on time!
- 😊 Speak loudly and clearly.
- 😊 Be honest and make eye contact when talking.
- 😊 Respond to Judge's questions by saying, "Yes, Your Honor" or "No, Your Honor."

Parent, be an advocate for your child.  
Attend hearings and know your child's rights.

# NOT COOL

**DO NOT...**

- 😡 Curse, swear or lie;
- 😡 Get angry or roll your eyes;
- 😡 Walk out of the courtroom (*you will be held in contempt*);
- 😡 Speak or act rudely;
- 😡 Slouch or chew gum; or
- 😡 Wear sagging pants, offensive T-shirts or gang-related items.

Brochure developed by Family Service Omaha

## When a youth is charged with a crime in Nebraska

STEP	DESCRIPTION
① <b>Arrest</b> ( <i>Law Enforcement</i> )	Upon arrest by Law Enforcement, the Officer may: 1) Street-release; 2) Cite and release; or 3) Arrest and detain.
② <b>Detention Decision</b> ( <i>Probation &amp; Court</i> )	If recommended by Law Enforcement, Probation intake assesses for detention or release to parent. If detained, the Deputy County Attorney reviews all information and a hearing must be held within 24 hours. The Court reviews all facts and determines if further detention is needed. A Petition must be filed within 48 hours. If not detained, a report is forwarded to the County Attorney for a filing decision.
③ <b>Filing Decision</b> ( <i>Co. Atty. Office</i> )	If Petition is filed, arraignment usually occurs 2 to 4 weeks later. At this point, the matter might be diverted without filing a Petition. The County Attorney may decide if youth is charged as an adult. If charged with a felony, the youth could be detained.
④ <b>Arraignment Hearing</b> ( <i>Juvenile Court</i> )	Prior to the hearing, the youth meets with his/her attorney to discuss charges and how to proceed. Through his/her attorney, a plea of admission or denial is entered. If youth denies the charge(s), the Court will schedule an Adjudication Hearing (see #5). If youth admits to the charge(s), the Court will schedule a Disposition Hearing (see #6 or #7, whichever is applicable).
⑤ <b>Adjudication Hearing</b> ( <i>Juvenile Court</i> )	Adjudication is the actual trial of the Petition. If Court finds the Petition to be true, Court acquires jurisdiction and the matter is set for disposition.
⑥ <b>Predisposition Investigation (PDI)</b> ( <i>Probation</i> )	The Court may order a predisposition investigation by a Probation Officer prior to the disposition hearing, which would involve collecting information from youth, his/her family, schools, previous mental health providers. More evaluations may be required (e.g., chemical dependency/mental health).
⑦ <b>Disposition Hearing</b> ( <i>Juvenile Court</i> )	Based on the PDI and other case information, the Court orders a plan to ensure accountability and rehabilitation. It could include out-of-home placement, further evaluation, treatment, probation, intensive supervision, etc.